

## **Abstract – Comparative Advertisement – the development of regulation in the Czech legal order**

The topic of this thesis is Comparative Advertisement – the development of regulation in the Czech legal order. The thesis is composed of six parts.

Part One is introductory and identifies the goals of this thesis.

Part two deals with the concept of advertising in general. I defined various categories of comparative advertising as well as various other types of advertising that can-not be considered as comparative. I described also superlative advertising and its aspects as well as the special term „dryáčnická“ advertisement, which is a rather humorous section of the Part Two of this thesis.

Part Three describes the history of comparative advertising in the first Czechoslovak republic ( i.e. in the period between 1918 and 1938), nevertheless the term „ comparative advertising“ in today’s meaning cannot yet be used in this period. When writing the Part Three, I focused mainly on the Act against Unfair Competition of 1927, and on interesting case law from this period. I also focused on unfair competition in connection with misleading advertising in this period as well as on the no more existing Aero car brand advertising that can be considered as a good example of what is today called comparative advertising.

The key contents of this thesis is located in its Part Four, where the current Czech comparative advertising is analysed via Section 50a of the Czech Commercial Code. In detailed way I tried to find the answer to the question whether comparative advertising is allowed or restricted. I analysed the general clause of unfair competition under Section 44 of the Czech Commercial Code in connection with the conditions under which the comparative advertisement is said to be allowed, I also mentioned the significant opinions of Czech business law experts who consider the comparative advertisement as restricted.

Part Five, having the title Defence against Comparative Advertising, tries to approach the rights of action in disputes regarding comparative advertising.

The last Part of this thesis, Part Six, summarises the acquired knowledge and my

personal opinion on future direction of advertisement.